

By: Mark Whisenhunt
Introduced: March 20, 2017
Public Hearing: April 3, 2017
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 17-04

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH MSB 17.30 - CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES, FOR THE EXTRACTION OF 600,000 CUBIC YARDS OF EARTH MATERIAL FROM A 20 ACRE SITE WITHIN A 43.37 acre PARCEL, LOCATED WITHIN TOWNSHIP 24 NORTH, RANGE 4 WEST, SECTION 30, TAX PARCEL A6 (24N04W30A006), SEWARD MERIDIAN.

WHEREAS, an application for a Conditional Use Permit was submitted by Quality Asphalt and Paving to remove earth materials from 40931 S. Parks Hwy (MSB Tax ID# 24N04W30A006); located within Township 24 North, Range 04 West, Section 30, Seward Meridian; and

WHEREAS, it is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries; and

WHEREAS, it is the purpose of MSB Chapter 17.30 to allow resource extraction activities while promoting the public health, safety, and general welfare of the Borough through the regulation of land uses to reduce the adverse impacts of land uses and development between and among property owners; and

WHEREAS, it is further the purpose of MSB 17.30 to promote orderly and compatible development; and

WHEREAS, the Planning Commission has reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.30 and MSB 17.28; and

WHEREAS, the total footprint for earth material extraction activity is 20 acres; and

WHEREAS, earth material extraction activity is expected to begin in May and end in November annually, with the expected final year of extraction occurring in 2027; and

WHEREAS, an Alaska State Department of Revenue license is not required for this application because Alaska law was amended in 2012 and rock, sand and gravel quarries are now exempt from the requirement; and

WHEREAS, an Alaska State Department of Natural Resources (ADNR) mining permit is not required for this application because the extraction activities will not take place on state land; and

WHEREAS, an ADNR reclamation plan with financial assurance was accepted by ADNR for this project site; and

WHEREAS, per the application material, a qualified person has determined a storm water pollution prevention plan (SWPPP) is not required as there is no reasonable potential to cause a discharge of storm water into any waters of the United States; and

WHEREAS, a United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act is not required for this application as the applicant is not proposing any extraction

activity to take place within any identified wetlands, lakes, streams, or other waterbodies; and

WHEREAS, this property is located within the Susitna (formerly Y) Community Council planning area. The Y Community Council Area Comprehensive Plan was adopted in 2007; and

WHEREAS, according to the application material, a 25-foot vegetative buffer with 10-foot tall berm will encompass the mining area on the south and west sides. A vegetative buffer of greater than 650-feet will remain to the east and a 50-foot vegetative buffer with 10-foot tall berm to the north; and

WHEREAS, earthen berms and vegetative buffers have been incorporated into the operation plan as noise mitigation measures; and

WHEREAS, according to the application material, proximity alarms have been installed on all vehicles preventing unnecessary backup alarm noises; and

WHEREAS, according to the application material, the proposed use will access directly onto the Parks Highway; and

WHEREAS, the haul route is identified as: direct access onto the Parks Highway and then proceed north or south to the location of the road project; and

WHEREAS, according to the application material, water trucks will be used as needed during operations as a dust control measure; and

WHEREAS, the applicant is not proposing to mine below or within four feet of the seasonal high water table; and

WHEREAS, according to the application material, the applicant will install monitoring wells to ensure the operation does not mine below or within four feet of the seasonal high water table; and

WHEREAS, according to the application material, slopes will be left at 2:1 (H:V) which meets the standards of MSB code 17.28.067(D) that requires a maximum 50 percent (2:1) slope or the natural stabilized angle of repose of the existing earth material; and

WHEREAS, the applicant is not proposing to use any local roads for access or haul routes; and

WHEREAS, goal four of the Y Community comprehensive plan states: *Guide location and character of development with significant off-site impacts to minimize impacts on environmental and community quality, particularly industrial activities and natural resource development, e.g. coal-bed methane, logging, gravel extraction, etc. Encourage forms of development that create economic opportunity and help sustain the area's rural character, including agriculture and timber harvesting; and*

WHEREAS, under *Standards for Specific Uses* of the Y Community comprehensive plan it states: *Sand and Gravel Extraction - The following policies apply to all existing and future operations: ·*

An approved Master Plan for Operations and Reclamation is required prior to commencing operations. Operators must put up a performance bond ensuring compliance to the master plan and other development standards. Reclamation required - Return the land to a useable state. Noise - If necessary to avoid disrupting neighboring uses, build sound reducing walls around the operation. Use of residential roads by trucks, heavy equipment is a significant community concern. The amount and timing of use shall be limited to avoid congestion, noise, dust and safety impacts on community roads; and

WHEREAS, an operations plan was submitted to the Borough as part of the application material; and

WHEREAS, land uses within one-half mile of the site contain a mixture of undeveloped, recreational, and residential uses; and

WHEREAS, lands abutting the site contain undeveloped and residential uses; and

WHEREAS, the Parks Highway and Alaska Railroad abut the parcel to the south and west; and

WHEREAS, according to the site plan, earth material extraction activities will not take place within 100-feet of any identified wetlands or waterbodies; and

WHEREAS, all of the site plan and site development information have been provided; and

WHEREAS, the applicant is required to obtain and comply with an Environmental Protection Agency (EPA) Air Quality Permit for the operation of the hot mix asphalt plant; and

WHEREAS, as per MSB 17.30.055(B), the operation shall comply with State and Federal laws pertaining to: air quality, water quality, and the use and storage of hazardous materials, waste and explosives; and

WHEREAS, according to the site development plan, proposed permanent and semi-permanent structures associated with the proposed use meet setback requirements; and

WHEREAS, prior to constructing the access onto the Parks Highway, the applicant is required to obtain a State of Alaska Driveway Permit and provide a copy to the Borough; and

WHEREAS, maps are included in the record identifying surrounding property ownership, existing land uses, and waterbodies within ½ mile of the proposed site; and

WHEREAS, a site plan is included in the record showing the location of the earth materials extraction site, including phases of mining within the subject parcel; and

WHEREAS, a topographic contour map, bare earth map, and aerial photography are included in the record. These items show topographic features and vegetation of the subject property and adjacent properties; and

WHEREAS, according to the application material, it is estimated that at peak operation, the site will produce approximately 40 vehicles an hour; and

WHEREAS, noise levels exceeding the levels in 17.28.060(A)(5)(a) are prohibited; and

WHEREAS, according to the site plan, the proposed rock crusher and hot mix asphalt plant are located on the west end of the property, furthest from residential development; and

WHEREAS, according to the application material, if lighting is needed, exterior lighting will be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky and illumination or other fixtures mounted higher than 20 feet or 150 watts or more will have downward directional shielding; and

WHEREAS, the Planning Commission conducted a public hearing on April 3, 2017 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 17-04:

1. All of the requirements to demonstrate compliance with state and federal law have been met (17.30.055(A)); and
2. The conditional use is not inconsistent with the applicable comprehensive plan (MSB 17.30.60(A)(1)); and

3. The proposed use with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.30.060(A)(2)); and
4. The applicant has met all of the requirements of this chapter. (MSB 17.30.060(A)(3)); and
5. The proposed use with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.30.060(A)(4)); and
6. Sufficient setbacks, lot area, buffers and other safeguards are being provided (MSB 17.30.60(A)(5)); and
7. The surrounding property ownership, existing land uses, and wetlands and water bodies within the notification area have been identified (MSB 17.28.060(A)(1)); and
8. Phases of proposed mining activities, description of the topography and vegetation, and approximate time sequence for the duration of the mining activity have been determined. No permanent, semi-permanent, or portable equipment related to the conditional use are anticipated to be located within the required setbacks (MSB 17.28.60(A)(2)); and
9. The proposed traffic route and traffic volumes have been identified. Traffic generated from the proposed use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified

in MSB 17.61.090, Traffic Standards (MSB 17.28.60(A)(3)); and

10. Visual screening has been achieved through existing vegetation and earthen berms (MSB 17.28.60(A)(4)); and
11. The proposed use with conditions, meets the noise standards in accordance with MSB 17.28.060(A)(5); and
12. The applicant meets lighting standards in accordance with MSB 17.28.060(A)(6); and
13. Earth materials extraction activities will not take place within 100-feet of any identified wetlands or waterbodies in accordance with MSB 17.28.060(A)(7).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the applicable standards of MSB 17.30 and 17.28 and does hereby approve the conditional use permit for the earth material extraction activities with the following conditions:

1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and an amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the material extraction operation.

3. Material extraction shall be limited to the areas identified in the applicant's site plan(s) dated November 23, 2016.
4. The 10-foot tall earthen berm on north, south, and west sides of the mining area identified on the site plan(s) dated November 23, 2016, shall be maintained.
5. The vegetative buffer surrounding the proposed mining area shown on the site plan(s) dated November 23, 2016, shall be maintained.
6. Prior to beginning extraction activities, a qualified wetlands delineator shall identify the edge of all wetlands at the site. The 100-foot undisturbed vegetative buffer surrounding the identified wetlands adjacent to the extraction site shall be identified and marked by a professional land surveyor, licensed to operate in the State of Alaska.
7. Vehicles and equipment shall be staged at a designated location and all equipment shall be inspected for leaks daily.
8. On-site maintenance of vehicles shall be done in an area where all leaks can be contained with drip pans or other discharge prevention devices.
9. South Luthman Road shall not be used as part of this conditional use. The applicant is required to obtain a

driveway permit from the State of Alaska to access the Parks Highway prior to operating under this permit.

10. Any hazardous materials, drips, leaks, or spills shall be promptly attended to and properly treated.
11. All construction exits shall comply with standard Alaska Pollutant Discharge Elimination System requirements to minimize off-site vehicle tracking of sediments and discharges to storm water.
12. Dust control shall be achieved at the gravel pit, rock screener, crusher, and roads as necessary.
13. The operation shall comply with the maximum permissible sound level limits allowed in MSB Code, per the requirements of MSB 17.28.060(A)(5)(a) - Site Development Standards and MSB 8.52 - Noise, Amplified Sound, and Vibration.
14. All extraction activities, including all activity that causes noise, dust, or traffic, shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
15. If cultural remains are found during material extraction activities, the MSB Planning Division shall be contacted immediately so the remains can be documented.
16. A four-foot vertical separation shall be maintained between all excavation and the seasonal high water table.

17. Borough staff shall be permitted to enter onto any portion of the property to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
18. The operation shall comply with the reclamation standards of MSB 17.28.067.
19. If reclamation information is updated annually with the State of Alaska DNR, a copy of the updated information shall be provided to the MSB Development Services Division.
20. If illumination devices are required, they shall not be greater than 20 feet in height, shall utilize downward directional shielding devices, and shall meet the requirements of MSB 17.28.060(A)(6) Lighting Standards.
21. Authorization for earth material extraction activities approved by this Conditional Use Permit shall expire on December 31, 2027.


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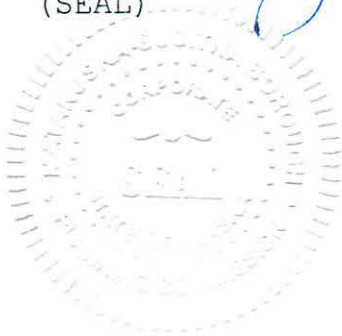
ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 3rd day of April, 2017.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Vague, Anderson, Healy, Chesbro, Glashan, and
Rauchenstein